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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,781	01/26/2004	Kazuhiro Nakamura	AB-1146 US	2469

7590 12/26/2006  
MacPherson Kwok Chen & Heid LLP  
Suite 226  
1762 Technology Drive  
San Jose, CA 95100

EXAMINER
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CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
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3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/26/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/765,781

Applicant(s)

NAKAMURA ET AL.

Examiner

Stephen J. Castellano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/908271.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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Claims 1-8 and 14 are canceled. Claims 9-13 and 15-17 are pending.

Applicant's election of the group containing claims 11-13 in the reply filed on October 26, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 9, 10 and 15-17 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 26, 2006.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-13 are rejected under 35 U.S.C. 102 (e) as being anticipated by Nulman et al. (Nulman).

Nulman discloses a component part (attachment or roll over valve 100) adapted to be fitted in an opening provided in the fuel tank (10), the fuel tank has a laminated design with outer HDPE (weldable plastic layer) layer (24) as shown in Fig. 1 and inner ethylene vinyl alcohol (EVOH) (fuel barrier) layer (18) as shown in Fig. 1, the fuel tank lamination is not believed to be different in Fig. 2 wherein the attachment (100) is shown, the attachment comprises a first part

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(104, 108) of gasoline barrier material made of acetal extending across the component part to substantially separate the interior from the exterior of the tank and a second part of high density polyethylene (HDPE) overmolding 116, 116a provided in a peripheral part of the component part which is welded to an outer layer of the tank surrounding the opening, the peripheral part defines an annular abutting surface (at for example point 122), the abutting surface is defined by the first and second parts disposed concentrically one next to the other, the second part at the abutting surface (122) projecting slightly beyond the first part at the abutting surface.

Re claim 12, the second part projecting beyond the first part at the abutting surface defines a convex surface (with conical portion 106) as the parts are circular in horizontal cross section.

Re claim 13, the second part projecting beyond the first part at the abutting surface defines a slanted flat surface as viewed in the vertical section of Fig. 2.

The following rejections are made insofar as the effective filing date of the present application is July 17, 2001 since (1) English language translations for the Japanese priority documents have not been provided in either application serial No. 10/765781 or 09/908271 and (2) those translations have not been certified.

Claims 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (Suzuki)(October 13, 2000 filing date).

Suzuki discloses a laminated fuel tank (1) in combination with a component part (6) which meets all of the limitations of the claimed invention.

Please note that the limitations of claims 12 and 13 rely upon Japanese document 2000-394659 alone with a date of filing of December 26, 2000. Since the December 26, 2000 filing

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date doesn't precede the October 13, 2000 filing date, this foreign priority document doesn't adequately establish an earlier filing date even if the English language translation and certification are provided.

Claims 11-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese reference JP 2001-113963 to Suzuki et al. (Suzuki)(publication date April 24, 2001).


The disclosure of this Kokai reference is believed to be identical to Suzuki et al. (6305568). Suzuki discloses a laminated fuel tank (1) in combination with a component part (6) which meets all of the limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Stephen J. Castellano  
Primary Examiner  
Art Unit 3781

sjc